## 2007 DRAFTING REQUEST

### Bill

Received: 03/07/2007  Wanted: As time permits  For: Tim Carpenter (608) 266-8535  This file may be shown to any legislator: NO					Received By: csundber  Identical to LRB: 0938/1  By/Representing: Stuart Ewy  Drafter: csundber												
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									Subject	: Trade l	Regulation - o		Extra Copies:				
									Submit	via email: YES							
Reques	ter's email:	Sen.Carpe	enter@legis.	wisconsin.go	v												
Carbon	copy (CC:) to:	christophe	er.sundberg	@legis.wisco	nsin.gov												
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Submit	via email: <b>YES</b>						
Reques	ter's email:	Sen.Carpe	enter@legis.	.wisconsin.go	)V		
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Pre To	pic:	ven					
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Prohibi	t prescription dr	ug advertising					
Instruction See Att						·	٧.
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### 2007 DRAFTING REQUEST

Bill

Received: 03/07/2007 Received By: csundber Identical to LRB: 0938/1 OK per Judy
3/7/07

By/Representing: Stuart Ewy Wanted: As time permits For: Tim Carpenter (608) 266-8535 This file may be shown to any legislator: **NO** Drafter: csundber May Contact: Addl. Drafters: Subject: Trade Regulation - other Extra Copies: Submit via email: YES Requester's email: Sen.Carpenter@legis.wisconsin.gov Carbon copy (CC:) to: christopher.sundberg@legis.wisconsin.gov Pre Topic: No specific pre topic given Topic: Prohibit prescription drug advertising **Instructions:** See Attached **Drafting History:** Vers. Drafted Reviewed **Typed** Submitted Jacketed Required

FE Sent For:

csundber

/?

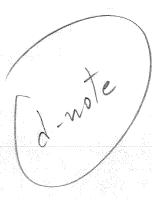
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In: 3/7/07 wanted soon

#### **2007 - 2008 LEGISLATURE**

2166/1 LRB-0938/1 KMAR CTS(jld:bg

## 2007 BILL



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AN ACT to create 100.325 of the statutes; relating to: advertising for

2 prescription drugs.

#### Analysis by the Legislative Reference Bureau

This bill prohibits advertising for prescription drugs. The prohibition does not apply to an advertisement that is broadcast from or is mailed or shipped to the ultimate recipient of the advertisement from outside this state or to advertising sent directly to pharmacists or to practitioners who are authorized to prescribe prescription drugs.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **SECTION 1.** 100.325 of the statutes is created to read:
- 4 100.325 Prescription drug advertising. (1) Except as provided in sub. (2),
- 5 no person may advertise a prescription drug. In this subsection, "prescription drug"
- 6 means a drug, drug product, or drug-containing preparation that is subject to 21
- 7 USC 353 (b) or 21 CFR 201.105.

#### **BILL**

- (2) Subsection (1) does not apply to any of the following:
- 2 (a) An advertisement that is broadcast from or is mailed or shipped to the ultimate recipient of the advertisement from outside this state.
  - (b) An advertisement that is sent directly to a practitioner, as defined in s. 450.01 (17), or to a pharmacist licensed under s. 450.03.

#### SECTION 2. Nonstatutory provisions.

- (1) The legislature finds that prescription drug advertising that is directed to consumers undermines the efforts of this state to protect the health and welfare of the citizens of this state from drugs that are sufficiently dangerous to require a prescription from a licensed practitioner.
- (2) The legislature finds that prescription drug advertising that is directed to consumers undermines the efforts of this state to ensure that practitioners who are licensed to prescribe and administer prescription drugs do so on the basis of their independent professional judgment.
- (3) The legislature finds that the health and welfare of the citizens of this state has been threatened by prescription drugs that have been heavily advertised in the popular media and that have subsequently been determined to pose substantial risk to human health.
- (4) The legislature finds that prescription drug advertising that is directed to consumers is inherently misleading, in that it promotes the sale of products so dangerous that state law does not permit consumers to independently purchase.
- (5) The legislature finds that the increasing cost of prescription drugs poses a serious threat to the health of the citizens of this state, and that prescription drug advertising directed to consumers aggravates this threat by adding considerable cost to such drugs without concomitant benefit to the health of the citizens of this state.

#### **BILL**

(6) The legislature finds that the provisions of section 100.325 of the statutes,
as created by this act, constitute the least restrictive means of addressing the threats
to the health and welfare of the citizens of this state by prescription drug advertising
that is directed at consumers.

#### SECTION 3. Initial applicability.

(1) This act first applies to advertisements broadcast or published on the effective date of this subsection.

#### SECTION 4. Effective date.

(1) This act takes effect on the first day of the 6th month beginning after publication.

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(END)

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2166/1dn CTS:**/**.:...

Senator Carpenter:

This draft is identical to LRB-0938/1.

Christopher T. Sundberg Legislative Attorney Phone: (608) 266-9739 E-mail: christopher.sundberg@legis.wisconsin.gov

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2166/1dn CTS:jld:jf

March 7, 2007

Senator Carpenter:

This draft is identical to LRB-0938/1.

Christopher T. Sundberg Legislative Attorney Phone: (608) 266–9739 E-mail: christopher.sundberg@legis.wisconsin.gov

#### Basford, Sarah

From:

Sen.Carpenter

Sent:

Wednesday, March 21, 2007 1:23 PM

To:

LRB.Legal

Subject:

Bill Jacket Request

Hello-

Can you please jacket LRB 2166 for the Senate for Sen. Tim Carpenter? If you have any questions or comments, please let me know.

Regards,

G. Stuart Ewy Chief of Staff Office of Senator Tim Carpenter State Capitol 306 S 608.266.8535